

**ORDINANCE AMENDING CHAPTER 50 OF
THE CODE OF ORDINANCE FOR THE CITY
OF FORT WAYNE.**

WHEREAS, the City of Fort Wayne established a yard waste ban prohibiting disposal of yard or landscaping waste including leaves, grass, brush, limbs and branches at any solid waste landfill;

WHEREAS, the City provides for the pick up of limited amounts of yard waste from residents paying for trash service during certain months of the year;

WHEREAS, the City sees a need for other means of disposing of such vegetative matter;

WHEREAS, the Allen County Solid Waste District previously leased property from the City located at 5510 Lake Avenue in order to operate a compost site;

WHEREAS, the Allen County Solid Waste District has determined it will no longer operate compost sites including the one previously located at 5510 Lake Avenue;

WHEREAS, the City, through its Division of City Utilities, wishes to continue to operate a yard waste recycling facility at 5510 Lake Avenue in order to accommodate the needs of the residents of Allen County;

WHEREAS, City Utilities will incur certain operational costs in the operation of the yard waste recycling facility at 5510 Lake Avenue;

1 WHEREAS, the Allen County Solid Waste District has agreed to pay
2 seventy-five percent (75%) of City Utilities' operating costs for the yard waste
3 recycling facility at 5510 Lake Avenue, up to a total of One Hundred Thousand
4 Dollars (\$100,000.00) for the period of May 1, 1997 through November 30, 1997;

5 WHEREAS, it is most equitable that those choosing to use the yard
6 waste recycling facility at 5510 Lake Avenue pay a reasonable sum for such use in
7 order to offset the operating costs incurred by City Utilities;

8
9 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
10 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

11 SECTION 1. That the following sections of Chapter 50 of the City
12 of Fort Wayne Code of Laws be added as follows:

13
14 **Sec. 50.12 City Utilities Yard Waste Recycling Facility.**

15 The Division of City Utilities, through the Board of Public Works, shall annually
16 determine the need for and feasibility of operating a yard waste recycling facility at
17 5510 Lake Avenue open for use by the public during months when disposal of
18 vegetative matter is a concern. If it is determined such a service should be made
19 available, the Board of Works shall establish the calendar schedule for that year by
20 resolution.

21 **Sec. 50.13 Fees.**

22 The following fees are established for users of the City's yard waste recycling
23 facility located at 5510 Lake Avenue, when it is deemed feasible to operate a site
24 open to the public:

25 A. Residential Bags (customers driving a car, mini-van or pick-up truck)

26 \$ 1.00 for 4 bags or less per visit. A bag is defined as a 30 gallon trash bag or
27 smaller.

28 \$ 0.50 for each additional bag over 4 bags.

29 B. Residential Loose Material

30 \$ 1.00 for loose material up to 250 lbs.

 \$17.00 per ton 250 lbs. and over.

1 C. Non-Residential (all other vehicles)
2 All commercial material shall be weighed.
3 \$17.00 per ton.

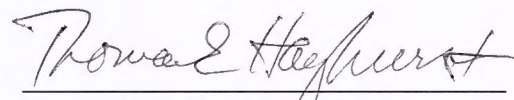
4 **Sec. 50.14 Enterprise Fund.**

5 Fees generated under paragraph 50.13 shall be deposited into an enterprise fund
6 established by City Utilities for the sole purpose of operating the yard waste
7 recycling facility. Funds received from the Allen County Solid Waste District as
8 partial reimbursement of City Utilities operating expenses shall also be deposited to
9 this account. Any shortfall in the enterprise fund necessary to cover City Utilities'
10 operating expenses in connection with the site shall be reimbursed to City Utilities
11 from an appropriate Civil City account.

12 **SECTION 2.** The invalidity of any section, sentence, clause, paragraph, part
13 or provision of this Ordinance shall not affect the validity of any other section,
14 sentence, clause, paragraph, part or provision of this Ordinance which can be given
15 meaning without such invalid part or parts.

16 All Ordinances or parts of Ordinances and sections of the Municipal Code of
17 the City of Fort Wayne in conflict herewith are hereby repealed.

18 **SECTION 3.** That this Ordinance shall be in full force and effect from and
19 after its passage, and any and all necessary approval by the Mayor and due legal
20 publication thereof.

21 
22 COUNCIL MEMBER

23
24 APPROVED AS TO FORM AND LEGALITY

25
26 
27 TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by _____,
and duly adopted, read the second time by title and referred to the Committee on _____,
(and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City-County Building, Fort Wayne, Indiana, on _____,
the _____ day of _____, 19____, at _____
o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Hay Hurst,
and duly adopted, placed on its passage. PASSED ~~LOST~~
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS				<u>✓</u>
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY				<u>✓</u>
LUNSEY				<u>✓</u>
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 6-10-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ANNEXATION) (APPROPRIATION) General (GENERAL) (SPECIAL)

(ZONING) ORDINANCE RESOLUTION NO. G-06-97
on the 10th day of June, 19 97

ATTEST: Sandra E. Kennedy SEAL Rebecca Prairie
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
11th day of June, 19 97
at the hour of 1:30 o'clock P, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day
of June, 19 97, at the hour of 9:00
o'clock A M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

CITY

UTILITIES

MEMO

INTER-OFFICE

DATE: June 4, 1997

TO: Sandra Kennedy, City Clerk - City Council

FROM: Deborah J. Farrell, Associate Director of Utilities

DJF/mlg

RE: Ordinance Amending Chapter 50 Of The Code Of Ordinance For The City Of Fort Wayne

Please find attached one original and twelve (12) copies of the above mentioned ordinance. Please note that the only change made to the ordinance was in Section 50.13 relating to the Fee Schedule.

If you have any questions, please feel free to contact me.

Thank you.

mlg
Attachments

2nd bill - 6-10-97

BILL NO. G-97-05-29 As Amended

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS E. HAYHURST - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO
WHOM WAS REFERRED AN (ORDINANCE) (~~XXXXXXXXXX~~) (RESOLUTION) amending
Chapter 50 of the Code of Ordinance for the City of Fort Wayne

HAVE HAD SAID (ORDINANCE) (~~XXXXXXXXXX~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~XXXXXXXXXX~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Thomas E. Hayhurst

D. Schmitt

Diedrich Hall

Bryan C. Croy

Rebecca J. Ravine

Martin A. B. C.

DATED:

Sandra E. Kennedy
City Clerk

1st Ord introduced

BILL NO. G-97-05-

29 Amended Ord

GENERAL ORDINANCE NO. _____

attached

**ORDINANCE AMENDING CHAPTER 50 OF
THE CODE OF ORDINANCE FOR THE CITY
OF FORT WAYNE.**

WHEREAS, the City of Fort Wayne established a yard waste ban prohibiting disposal of yard or landscaping waste including leaves, grass, brush, limbs and branches at any solid waste landfill;

WHEREAS, the City provides for the pick up of limited amounts of yard waste from residents paying for trash service during certain months of the year;

WHEREAS, the City sees a need for other means of disposing of such vegetative matter;

WHEREAS, the Allen County Solid Waste District previously leased property from the City located at 5510 Lake Avenue in order to operate a compost site;

WHEREAS, the Allen County Solid Waste District has determined it will no longer operate compost sites including the one previously located at 5510 Lake Avenue;

WHEREAS, the City, through its Division of City Utilities, wishes to continue to operate a yard waste recycling site at 5510 Lake Avenue in order to accommodate the needs of the residents of Allen County;

WHEREAS, City Utilities will incur certain operational costs in the operation of the compost site at 5510 Lake Avenue;

1
2 **WHEREAS**, the Allen County Solid Waste District has agreed to pay
3 seventy-five percent (75%) of City Utilities' operating costs for the site at 5510 Lake
4 Avenue, up to a total of One Hundred Thousand Dollars (\$100,000.00) for the period
5 of April 1, 1997 through November 30, 1997;

6 **WHEREAS**, it is most equitable that those choosing to use the yard
7 waste recycling facility at 5510 Lake Avenue pay a reasonable sum for such use in
8 order to offset the operating costs incurred by City Utilities;

9
10 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON**
11 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

12 **SECTION 1.** That the following sections of Chapter 50 of the City
13 of Fort Wayne Code of Laws be added as follows:

14
15 **Sec. 50.12 City Utilities Yard Waste Recycling Site.**

16 The Division of City Utilities, through the Board of Public Works, shall annually
17 determine the need for and feasibility of operating a yard waste recycling site at 5510
18 Lake Avenue open for use by the public during months when disposal of vegetative
19 matter is a concern. If it is determined such a service should be made available, the
Board of Works shall establish the calendar schedule for that year by resolution.

20 **Sec. 50.13 Fees.**

21 The following fees are established for users of the City's yard waste recycling site
22 located at 5510 Lake Avenue, when it is deemed feasible to operate a site open to the
public:

23 Residential (customers driving a car, mini-van or pick-up truck)

24 \$ _____ for 4 bags or less per visit

25 \$ _____ for each additional bag over 4 bags

26 or \$ _____ per ton weighed or \$ _____ per cubic yard

27 Non-Residential (all other vehicles)

28 \$ _____ per ton weighed or \$ _____ per cubic yard

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CITY UTILITIES**MEMO**

INTER-OFFICE

DATE: May 27, 1997

TO: Fort Wayne City Council Members

FROM: Linda Peterson Powell, Counsel to City Utilities 

RE: **AN ORDINANCE AMENDING THE SOLID WASTE ORDINANCE**

For at least the current summer season, City Utilities has agreed to continue operating the yard waste recycling site previously established by the Allen County Solid Waste District at the Sludge Lagoons located at 5510 Lake Avenue. As this is City Utilities' first experience with operating such a program, it is unknown what the operating expenses will ultimately be for the season. However, City Utilities needs some means of recouping these operating expenses.

Agreement has been reached with the Allen County Solid Waste District whereby seventy-five percent (75%) of City Utilities' operating expenses, up to a maximum of One Hundred Thousand Dollars (\$100,000.00), will be reimbursed by the District to City Utilities. The purpose of this Ordinance is to establish nominal fees to be paid by users of the yard waste recycling site, which will hopefully fund the remaining twenty-five percent (25%) of City Utilities' operating expenses this year.

Another important reason for establishing fees for use of the site is that National Serv-All also operates one where fees are charged. City Utilities fears if it offers this service for free, or at a cost significantly lower than National Serv-All, individuals wishing to dispose of vegetative matter at such a site will come to the City facility.

By contract with the Allen County Solid Waste District, the City and City Utilities have agreed to operate the yard waste recycling site from April 1, 1997 through November 30, 1997. This Ordinance provides for evaluation of the operation of the site prior to spring of 1998 to determine whether the City should continue to operate the site open to the public, or whether residents would have to rely on the yard waste pickup provided in conjunction with their trash service, or other commercial compost facilities in the area.

If you have any questions concerning this information, please feel free to contact me at 427-1344.

mra

Read the first time in full and on motion by Thy first,
and duly adopted, read the second time by title and referred to the Committee on
Regulations, (and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City-County Building, Fort Wayne, Indiana, on _____,
the _____ day of _____, 19____, at
o'clock _____ M., E.S.T.

DATED: 5-27-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____,
and duly adopted, placed on its passage. PASSED _____ LOST _____
by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BENDER</u>	_____	_____	_____	_____
<u>CRAWFORD</u>	_____	_____	_____	_____
<u>EDMONDS</u>	_____	_____	_____	_____
<u>HALL</u>	_____	_____	_____	_____
<u>HAYHURST</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LUNSEY</u>	_____	_____	_____	_____
<u>RAVINE</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL)
(ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19____

ATTEST:

SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
_____ day of _____, 19____,
at the hour of _____, o'clock _____, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day
of _____, 19____, at the hour of _____
o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR



The City of Fort Wayne

City Utilities

DIGEST SHEET

TITLE OF ORDINANCE: Ordinance Amending Chapter 50 of the Code of Ordinance for the City of Fort Wayne

DEPARTMENT REQUESTING ORDINANCE: City Utilities

SYNOPSIS OF ORDINANCE: Establishes system of charging users of the City-owned yard waste recycling facility.

EFFECT OF PASSAGE: Supplement subsidy from ACSWD to avoid or reduce funding of City Utilities operating costs from Civil City funds.

EFFECT OF NON-PASSAGE: City Utilities faces a deficit of at least 25% of its 1997 operating expenses.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

June 18, 1997

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of June 21, 1997 in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-97-05-29 (as amended)
General Ordinance No. G-06-97
Solid Waste Ordinance

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,


Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

Notice is hereby given that on the 10th day of
June, 19 97, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-97-05-29 (as amended) General
Ordinance No. G-06-97 to-wit:

BILL NO. G-97-05-29 (AS AMENDED)

GENERAL ORDINANCE NO. 06-97

**ORDINANCE AMENDING CHAPTER 50 OF
THE CODE OF ORDINANCE FOR THE CITY
OF FORT WAYNE.**

WHEREAS, the City of Fort Wayne established a yard waste ban
prohibiting disposal of yard or landscaping waste including leaves, grass, brush,
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yard waste from residents paying for trash service during certain months of the year;

WHEREAS, the City sees a need for other means of disposing of
such vegetative matter;

WHEREAS, the Allen County Solid Waste District previously leased
property from the City located at 5510 Lake Avenue in order to operate a compost
site;

WHEREAS, the Allen County Solid Waste District has determined it
will no longer operate compost sites including the one previously located at 5510
Lake Avenue;

WHEREAS, the City, through its Division of City Utilities, wishes to
continue to operate a yard waste recycling facility at 5510 Lake Avenue in order to
accommodate the needs of the residents of Allen County;

WHEREAS, City Utilities will incur certain operational costs in the

1 **WHEREAS**, the Allen County Solid Waste District has agreed to pay
2 seventy-five percent (75%) of City Utilities' operating costs for the yard waste
3 recycling facility at 5510 Lake Avenue, up to a total of One Hundred Thousand
4 Dollars (\$100,000.00) for the period of May 1, 1997 through November 30, 1997;

5 **WHEREAS**, it is most equitable that those choosing to use the yard
6 waste recycling facility at 5510 Lake Avenue pay a reasonable sum for such use in
7 order to offset the operating costs incurred by City Utilities;

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9 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON**
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16 determine the need for and feasibility of operating a yard waste recycling facility at
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18 vegetative matter is a concern. If it is determined such a service should be made
 available, the Board of Works shall establish the calendar schedule for that year by
 resolution.

19 **Sec. 50.13 Fees.**

20 The following fees are established for users of the City's yard waste recycling
21 facility located at 5510 Lake Avenue, when it is deemed feasible to operate a site
22 open to the public:

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24 \$ 1.00 for 4 bags or less per visit. A bag is defined as a 30 gallon trash bag or
25 smaller.
 \$ 0.50 for each additional bag over 4 bags.

26 B. Residential Loose Material
27 \$ 1.00 for loose material up to 250 lbs.
28 \$17.00 per ton 250 lbs. and over.

1 C. Non-Residential (all other vehicles)
2 All commercial material shall be weighed.
3 \$17.00 per ton.

4 **Sec. 50.14 Enterprise Fund.**

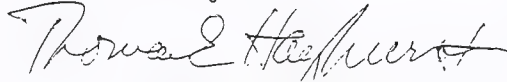
5 Fees generated under paragraph 50.13 shall be deposited into an enterprise fund
6 established by City Utilities for the sole purpose of operating the yard waste
7 recycling facility. Funds received from the Allen County Solid Waste District as
8 partial reimbursement of City Utilities operating expenses shall also be deposited to
9 this account. Any shortfall in the enterprise fund necessary to cover City Utilities'
10 operating expenses in connection with the site shall be reimbursed to City Utilities
11 from an appropriate Civil City account.

12 **SECTION 2.** The invalidity of any section, sentence, clause, paragraph, part
13 or provision of this Ordinance shall not affect the validity of any other section,
14 sentence, clause, paragraph, part or provision of this Ordinance which can be given
15 meaning without such invalid part or parts.

16 All Ordinances or parts of Ordinances and sections of the Municipal Code of
17 the City of Fort Wayne in conflict herewith are hereby repealed.

18 **SECTION 3.** That this Ordinance shall be in full force and effect from and
19 after its passage, and any and all necessary approval by the Mayor and due legal
20 publication thereof.

21 Thomas E. Hayhurst

22 

23 COUNCIL MEMBER

Read the third time in full and on motion by Hayhurst, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six
Bender, Crawford, Hall, Hayhurst, Ravine, Schmidt
NAYS: None
ABSTAINED: None
ABSENT: Three
Edmonds, Lunsey, Henry

DATED: 6-10-97

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-06-97 on the 10th day of June, 1997

ATTEST:

SEAL

Sandra E. Kennedy
City Clerk

Rebecca J. Ravine
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1997, at the hour of 1:30 o'clock P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 13th day of June, 1997, at the hour of 9:00 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-06-97, passed by the Common Council on the 10th day of June, 19 97, and that said Ordinance was duly signed and approved by the Mayor on the 13th day of June, 19 97, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 13th day of June, 1997.

SEAL


SANDRA E. KENNEDY, CITY CLERK

FW COMMON COUNCIL

(Governmental Unit)

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

ALLEN

County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

185 lines, 1 columns wide equals 185 equivalent lines
at .364 cents per line

\$ 67.34

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 68.34

DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Julie L. Smith
Clerk

Date: JUNE 21, 19 97

Title:

LEGAL NOTICE

Notice is hereby given that on the 10th day of June, 1997, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-97-05-29 (as amended) General Ordinance No. G-06-97 to wit:

BILL NO. G-97-05-29 (AS AMENDED)

GENERAL ORDINANCE NO. 06-97

ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ORDINANCE FOR THE CITY OF FORT WAYNE.

WHEREAS, the City of Fort Wayne established a yard waste ban prohibiting disposal of yard or landscaping waste including leaves, grass, brush, limbs and branches at any solid waste landfill.

WHEREAS, the City provides for the pick up of limited amounts of yard waste from residents paying for trash service during certain months of the year;

WHEREAS, the City sees a need for other means of disposing of such vegetative matter;

WHEREAS, the Allen County Solid Waste District previously leased property from the City located at 5510 Lake Avenue in order to operate a compost site;

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WHEREAS, it is most equitable that those choosing to use the yard waste recycling facility at 5510 Lake Avenue pay a reasonable sum for such use in order to offset the operating costs incurred by City Utilities;

NOW THEREFORE BE ORDAINED BY THE

\$17.00 per ton 250 lbs. and over,
6-21 #447881 (P)
Non-Residential (all other vehicles)
All commercial material shall be weighed.
\$17.00 per ton.

Sec. 50.14 Enterprise Fund.

Fees generated under paragraph 50.13 shall be deposited into an enterprise fund established by City Utilities for the sole purpose of operating the yard waste recycling facility. Funds received from the Allen County Solid Waste District as partial reimbursement of City Utilities operating expenses shall also be deposited to this account. Any shortfall in the enterprise fund necessary to cover City Utilities' operating expenses in connection with the site shall be reimbursed to City Utilities from an appropriate Civil City account.

SECTION 2. The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.

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SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor and due legal publication thereof.

Thomas E. Hayhurst
COUNCIL MEMBER

Read the third time in full and on motion by Hayhurst, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six
Bender, Crawford, Hall, Hayhurst, Ravine, Schmidt
NAYS: None
ABSTAINED: None
ABSENT: Three
Edmonds, Lunsey, Henry

DATED: 6-10-97

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-06-97 on the 10th day of June, 1997

ATTEST:

AFFIDAVIT

I, a notary public in and for said county and state, the
1TH who, being duly sworn, says that he/
The News-Sentinel newspaper of general
ished in the English language in the (city) (town) of
and county aforesaid, and that the printed matter
copy, which was duly published in said paper for
the dates of publication being as follows:

21-97

Julie L. Smith

me this 21st day of JUNE, 1997.

Mary L. Schneider
Notary Public

MARY L SCHNEIDER
Y PUBLIC STATE OF INDIANA
ALLEN COUNTY
MISSION EXP JUNE 14, 2001

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WHEREAS, the Allen County Solid Waste District has determined it will no longer operate compost sites including the one previously located at 5510 Lake Avenue;

WHEREAS, the City, through its Division of City Utilities, wishes to continue to operate a yard waste recycling facility at 5510 Lake Avenue in order to accommodate the needs of the residents of Allen County;

WHEREAS, the Allen County Solid Waste District has agreed to pay seventy-five percent (75%) of City Utilities' operating costs for the yard waste recycling facility at 5510 Lake Avenue, up to a total of One Hundred Thousand Dollars(\$100,000.00) for the period of May 1, 1997 through November 30, 1997.

WHEREAS, it is most equitable that those choosing to us; the yard waste recycling facility at 5510 Lake Avenue pay a reasonable sum for such use in order to offset the operating costs incurred by City Utilities;

NOW, THEREFORE, BE ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following sections of Chapter 50 of the City of Fort Wayne Code of Laws be added as follows:

Sec. 50.12 City Utilities Yard Waste Recycling Facility.

The Division of City Utilities, through the Board of Public Works, shall annually determine the need for and feasibility of operating a yard waste recycling facility at 5510 Lake Avenue open for use by the public during months when disposal of vegetative matter is a concern. If it is determined such a service should be made available, the Board of Works shall establish the calendar schedule for that year by resolution.

Sec. 50.13 Fees.

The following fees are established for users of the City's yard waste recycling facility located at 5510 Lake Avenue, when it is deemed feasible to operate a site open to the public:

A. Residential Bags (customers driving a car, minivan or pick-up truck)
\$1.00 for 4 bags or less per visit. A bag is defined as a 30 gallon trash bag or smaller.
\$0.50 for each additional bag over 4 bags.

B. Residential Loose Material
\$ 1.00 for loose material up to 250 lbs.

6--21 #447881 (P)
Non-Residential (all other vehicles)
All commercial material shall be weighed.
\$17.00 per ton.

Sec. 50.14 Enterprise Fund.

Fees generated under paragraph 50.13 shall be deposited into an enterprise fund established by the City of Fort Wayne for the sole purpose of operating the waste recycling facility. Funds received from the Allen County Solid Waste District as partial reimbursement of City Utilities' operating expenses shall be deposited to this account. Any shortfall in the enterprise fund necessary to cover City Utilities' operating expenses in connection with the site shall be reimbursed to City Utilities from an appropriate City account.

SECTION 2. The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.

All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne which conflict herewith are hereby repealed.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and after all necessary approval by the Mayor and due publication thereof.

Thomas E. Kennedy

COUNCIL MEMBER

Read the third time in full and on motion of Paul H. Hayhurst, and duly adopted, placed on its permanent record and PASSED by the following vote:

AYES: Six
Bender, Crawford, Hall, Hayhurst, Ravine, Schmitt
NAYS: None
ABSTAINED: None
ABSENT: Three
Edmonds, Lunsey, Henry

DATED: 6-10-97 Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-06-97 on the 10th day of June, 1997

ATTEST:
Sandra E. Kennedy Rebecca J. Kennedy
City Clerk Presiding

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1997, the hour of 1:30 o'clock P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 13th day of June, 1997, at the hour of 9:00 o'clock A.M., E.S.T.

Paul H. Hayhurst

I, the Clerk of the City of Fort Wayne, Indiana, hereby certify that the above and foregoing is a true and complete copy of General Ordinance G-06-97 passed by the Common Council of the City of Fort Wayne, Indiana, on the 10th day of June 1997 and that said Ordinance was duly signed and approved by the Mayor on the 10th day of June 1997, and now remains on file as a permanent record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 13th day of June, 1997.
SANDRA E. KENNEDY
CITY CLERK

6--21 #447882 (PART 2 OF 2)

FW COMMON COUNCIL
(Governmental Unit)To: **The Journal-Gazette**
P.O. Box 100
Fort Wayne, IN**ALLEN** County, Indiana**PUBLISHER'S CLAIM****LINE COUNT**Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines _____

Head -- number of lines _____

Body -- number of lines _____

Tail -- number of lines _____

Total number of lines in notice _____

COMPUTATION OF CHARGES185 lines, 1 columns wide equals 185 equivalent lines
at .364 cents per line \$ 67.34Additional charge for notices containing rule or tabular work
(50 percent of above amount) _____Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00**TOTAL AMOUNT OF CLAIM** \$ 68.34**DATA FOR COMPUTING COST**Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: **JUNE 21**, 19 **97**Title: Julie L. Smith Clerk**PUBLISHER'S AFFIDAVIT**State of Indiana)
) ss:
Allen County)Personally appeared before me, a notary public in and for said county and state, the undersigned **JULIE L. SMITH** who, being duly sworn, says that he/she is **Clerk** of the **The Journal-Gazette** newspaper of general circulation printed and published in the English language in the (city) (town) of **Fort Wayne, IN** in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:6-21-97Subscribed and sworn to before me this 21st day of **JUNE**, 19 **97**.Julie L. SmithMary L. Schneider
Notary Public

My commission expires:

MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 2001ATTACH COPY
OF ADVERTISEMENT
HERE

Notice is hereby given that on the 10th day of 1997, the Common Council of the City of Wayne, Indiana, in a Regular Session did pass following Bill No. G-97-05-29 (as amended) General Ordinance No. G-06-97 to wit:

BILL NO. G-97-05-29 (AS AMENDED)

GENERAL ORDINANCE NO. C

ORDINANCE AMENDING CHAPTER 50 OF CODE OF ORDINANCE FOR THE CITY OF WAYNE.

WHEREAS, the City of Fort Wayne establish yard waste ban prohibiting disposal of yard or landscaping waste including leaves, grass, brush, and branches at any solid waste landfill.

WHEREAS, the City provides for the pick up of yard waste in certain months of the year; and certain amounts of yard waste from residents paying trash service during certain months of the year;

WHEREAS, the City sees a need for other means of disposing of such vegetative matter;

WHEREAS, the Allen County Solid Waste District has previously leased property from the City located at 5510 Lake Avenue in order to operate a composting site;

WHEREAS, the Allen County Solid Waste District has determined it will no longer operate composting sites including the one previously located at 5510 Lake Avenue;

WHEREAS, the City, through its Division of City Utilities, wishes to continue to operate a yard waste recycling facility at 5510 Lake Avenue in order to better accommodate the needs of the residents of Allen County;

WHEREAS, the Allen County Solid Waste District has agreed to pay seventy-five percent (75%) of the City Utilities' operating costs for the yard waste recycling facility at 5510 Lake Avenue, up to a total of One Hundred Thousand Dollars (\$100,000.00) for the period of May 1, 1997 through November 1, 1997.

WHEREAS, it is most equitable that those who choose to use the yard waste recycling facility at 5510 Lake Avenue pay a reasonable sum for such use in order to offset the operating costs incurred by City Utilities;

NOW, THEREFORE, BE ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following sections of Chapter 50 of the City of Fort Wayne Code of Laws be amended as follows:

Sec. 50.12 City Utilities Yard Waste Recycling Facility.

The Division of City Utilities, through the Board of Public Works, shall annually determine the need and feasibility of operating a yard waste recycling facility at 5510 Lake Avenue open for use by the public during months when disposal of vegetative material is a concern. If it is determined such a service shall be made available, the Board of Works shall establish the calendar schedule for that year by resolution.

Sec. 50.13 Fees.

The following fees are established for users of the City's yard waste recycling facility located at 5510 Lake Avenue, when it is deemed feasible to open the site open to the public:

A. Residential Bags (customers driving a car, van or pick-up truck)
\$1.00 for 4 bags or less per visit. A bag is defined as a 30 gallon trash bag or smaller.
\$0.50 for each additional bag over 4 bags.

B. Residential Loose Material
\$ 1.00 for loose material up to 250 lbs.
\$17.00 per ton 250 lbs. and over.

6--21 #447881 (PART 1 OF 2)
Non-Residential (all other vehicles)
All commercial material shall be weighed.
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